

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/944,521

Filed: August 31, 2001

Inventor(s):

James Grey and Douglas Melamed

Title: SYSTEM AND METHOD

## ENABLING

## ASYNCHRONOUS

## EXECUTION OF A TEST

## EXECUTIVE SUBSEQUENCE

**PETITION TO REVIVE ABANDONED APPLICATION  
UNDER 37 C.F.R. 1.137(b)**

Dear Sir or Madam:

The above-identified application became abandoned for failure to pay an issue fee in response to the Notice of Allowance mailed on July 19, 2005, which set a three-month period for reply. The abandonment date of this application is October 20, 2005 (i.e., the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

On August 8, 2005, Applicant mailed to the U.S. Patent Office a Form PTOL-85B (in duplicate) authorizing the payment of the issue and publication fees in the total amount of \$1,700.00 as well as advance order copies from Deposit Account No. 501505. The U.S. Patent Office received the Form PTOL-85B on August 11, 2005 and determined that the funds in Deposit Account 501505 were insufficient at that time. According to our records, Deposit Account 501505 contained approximately \$61,000.00 at the beginning of the day on August 11, 2005 but was reduced by withdrawals to approximately \$45.00 that same day. Failure to pay the issue and publication fees was NOT INTENTIONAL and, therefore, the captioned application was unintentionally abandoned. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. The large entity petition fee of \$1,500.00 as set forth in 37 C.F.R. § 1.17(m) is being paid concurrently via EFS-Web. The issue fee of \$1400.00 is also being paid concurrently via EFS-Web. (The publication fee of \$300.00 was successfully paid on August 11, 2005). If the fees are missing or insufficient, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505\5150-49600\JCH.

Respectfully submitted,

/Jeffrey C. Hood/

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